



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

June 9, 2005

Dear Vessel Owner:

This letter summarizes the measures, including applicable reporting and trip notification requirements required of general category scallop vessels fishing in the Scallop Area Access program. Access area measures for the general scallop category were specified in Framework 16 to the Sea Scallop Fishery Management Plan (Scallop FMP), and Framework 39 to the Northeast Multispecies Fishery Management Plan (Multispecies FMP). Beginning June 15, 2005, limited access and general category scallop vessels may fish in the NE multispecies closed areas that are defined as Scallop Access Areas. The operational requirements for limited access vessels were outlined in detail in a scallop permit holder letter dated October 29, 2004, which is available on our website. This is the first time that general category vessels will be allowed to participate in the program.

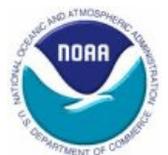
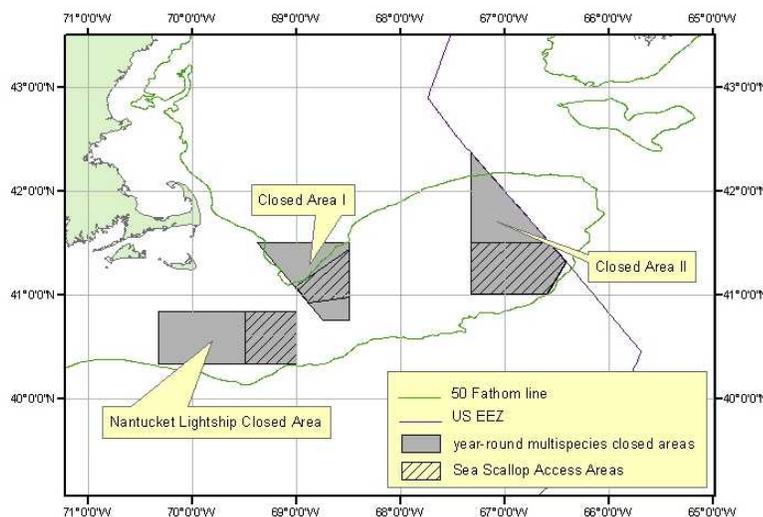
This letter is also to inform limited access scallop vessel owners and operators how the modified measure to address broken area access trips will apply to trips taken in the 2005 fishing year if the proposed measure in Framework 17 to the Scallop FMP is approved. This letter also includes information concerning monkfish restrictions and possession limits for general category scallop vessels.

This is only a summary of the actual regulations. The full text of regulations is available on our website: <http://www.nero.noaa.gov>, or you may request a copy via mail by calling 978-281-9315.

SCALLOP ACCESS AREA REQUIREMENTS FOR GENERAL CATEGORY VESSELS

Scallop Access Areas

- The boundary coordinates for scallop Access Areas within the NE multispecies closed areas are provided below. A map is also provided below.



2005 Access Area Coordinates

CLOSED AREA I ACCESS AREA

| Point | Latitude | Longitude |
|-------|-------------|-----------|
| CAIA1 | 41°26' N. | 68°30' W. |
| CAIA2 | 40°58' N. | 68°30' W. |
| CAIA3 | 40°55' N. | 68°53' W. |
| CAIA4 | 41°04.5' N. | 69°01' W. |
| CAIA1 | 41°26' N. | 68°30' W. |

CLOSED AREA II ACCESS AREA

| Point | Latitude | Longitude |
|--------|-------------|-------------|
| CAIIA1 | 41°00' N. | 67°20' W. |
| CAIIA2 | 41°00' N. | 66°35.8' W. |
| CAIIA3 | 41°18.6' N. | 66°24.8' W. |
| CAIIA4 | 41°30' N. | 66°34.8' W. |
| CAIIA5 | 41°30' N. | 67°20' W. |
| CAIIA1 | 41°00' N. | 67°20' W. |

Scallop Access Area Opening

- Scallop fishing is authorized during an open season of June 15 through January 31.

Gear Restrictions

- When fishing for scallops in the multispecies closed areas vessels can use only scallop dredge gear.
- The minimum size of the metal rings used to construct the chain bag in scallop dredge gear is **4.0 inches** in diameter for all Sea Scallop Access Areas.
- The net material on the top of the dredge (twine top) must be at least 10 inches, square or diamond mesh, inside measurements.
- General category scallop vessels fishing east 73°00' W, cannot have a combined dredge width greater than 10.5 feet.

Possession Limits

- The possession limit for general category scallop vessels remains 400 lb (181.4kg) of shucked, or 50 U.S. bushels (17.6 hL) of in-shell scallops per trip. Vessels may possess shucked and in shell scallops, provided the combination of shucked and in shell scallops that does not exceed 400 lb total of shucked scallop meats. For example a vessel may possess 200 lb of shucked scallops and 25 U.S. bushels (17.6 hL) of in-shell scallops per trip. This measure applies to all general category vessels, whether fishing an Area Access trip or not.

- A TAC for general category vessels, equal to 2 percent of the overall scallop TAC for each Scallop Access Area. The general category set-aside TACs for 2005, are as follows; 64,860 lb (29 mt) in CAI and 153,971 lb (70 mt) in CAII.
- Zero possession of Northeast multispecies

Number of Trips

- General category vessels will not be allowed to continue fishing in the specific scallop Access Area once the total number of allowed trips is reached.
- The limits on the number of total trips general category vessels may take for 2005 are 162 trips in CAI and 385 trips in CAII. If the general category TAC and/or trip cap are attained, NERO will notify vessel owners that the Area Access program is closed to general category vessels.

Sea Scallop Access Trip Notification Requirements

All participating vessels must have installed on board an operational VMS unit. Vessels can contact the following vendors for VMS purchase information.

Boatracs

9155 Brown Deer Road
Suite 8
San Diego, CA 92121
Tel 858-458-8100
Fax 858-458-8116
Contact: Lauri Paul 281-218-6000

Skymate

14000 Willard Road
Chantilly, VA 20151
Tel 703-636-4220
Fax 703-814-8585
Contact: Chris Irwin

Vessels must comply with all of the following notification requirements to fish in the Sea Scallop Access Area Program. **Please review the following requirements carefully. The email address and phone number in the observer program notification procedures have been modified from prior Area Access Programs.**

- Vessels issued a general category scallop permit and planning to fish in the Access Area Program, must submit a report through the VMS **e-mail** messaging system to (usca@aisobservers.com) of its intention to fish in any Sea Scallop Access Area prior to the 25th of the month before the month in which the anticipated trip(s) are to be taken. The report must include the following information:
 1. Vessel name
 2. Federal permit number
 3. Owner and operator's names
 4. Contact phone number
 5. Number of trips the vessel intends to fish
- In addition to the above advance notice for accessing the Sea Scallop Access Areas, for the purpose of randomly selecting vessels to carry an observer, a vessel must also contact the NOAA Fisheries observer contractor **by phone** (508-990-9057) at least 72 hours prior to the date it intends to depart on each trip into an Access Area. The following information should be included:

1. Vessel name
 2. Contact phone number
 3. Federal permit number
 4. Date, time and port of departure
 5. Federal permit number
 6. Documentation number
 7. Boatracs or Skymate address
- On the day that the vessel leaves port to fish under the Access Area Program, the vessel owner or operator must declare the vessel into the Access Area Program through the VMS by entering the appropriate access area sailing code prior to leaving port. This information is provided in the packet included with this letter.
 - A vessel that does not have a valid U.S. Coast Guard Inspection Sticker is deemed inadequate or unsafe for purposes of carrying a NOAA Fisheries observer. Any vessel that has been chosen to carry an observer may be prohibited from participating in the Access Area Program until the vessel is inspected by the Coast Guard and receives an inspection sticker.

Instructions for declaring into the Access Area Program through VMS are available from the Northeast Regional Office of NOAA Fisheries upon request.

Catch Reporting

The owner or operator of a general category scallop vessel fishing in the Scallop Access Areas is required to report catch of both scallops and yellowtail to allow for monitoring of the yellowtail TAC. The operator of a vessel must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NOAA Fisheries-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include the following information:

1. Total pounds/kilograms of scallop meats kept,
2. total pounds/kilograms of yellowtail flounder kept,
3. total pounds/kilograms of yellowtail flounder discarded,
4. total number of tows and,
5. Fishing Vessel Trip Report log page number.

Observer coverage

NOAA Fisheries Observers will be assigned to a portion of the scallop fleet fishing in the Scallop Access Areas. Observers will collect information on scallop catch, yellowtail catch, and other bycatch to provide additional data on Scallop Access Area trips in order to monitor catch and bycatch.

Cost to Vessels Carrying an Observer

The FMP dictates that scallop vessels are responsible for paying for the cost of observers in Sea Scallop Access Areas. One percent of the scallop target TAC for each Access Area is allocated to help scallop vessels pay for the cost of observers. However, due to contracting issues, scallop vessels are currently **NOT** responsible for paying for the cost of observers in Access Areas or Open Areas.

Because scallop vessels are currently not responsible for paying for the cost of observers, they are **NOT** authorized to collect and utilize the additional pounds of scallop meats in Access Areas or receive DAS credit in Open Areas.

You will receive further notification when these issues have been resolved and you are required to pay for the cost of carrying an observer on your vessel. **Vessels are still required to carry observers and comply with the notification requirements above.**

Vessels Fishing Under Multispecies Days-at-Sea

Vessels fishing in approved NE multispecies SAP under a multispecies DAS that also possess a general category scallop permit:

1. May possess up to 400 lb of scallops in an Access Area that is open to multispecies fishing but CLOSED to scallop fishing without having to comply with the with the notification and observer requirements stated above.
2. May possess up to 400 lb of scallops in an Access Area that is OPEN to both multispecies and scallop fishing only if they comply with all of the requirements listed above. Such vessels are subject to closure of the general category fishery if the TAC is reached and may no longer harvest scallops during a multispecies SAP trip.

PROPOSED BROKEN ACCESS AREA TRIP REBATES

Limited access vessels in the 2005 fishing year that have terminated an area access trip before harvesting the full possession limit have a poundage penalty applied to the calculation of allowance for a makeup trip. If the measure proposed in Framework Adjustment 17 is approved, vessels that terminated an access area trip after March 1, 2005, would be able to take a replacement trip to catch the amount of scallops lost as a result of the broken trip penalty. Vessels that do not take a replacement trip prior to the implementation of Framework Adjustment 17 would be authorized to take a replacement trip with a possession limit that is equal to the difference between the scallop possession limit and the amount landed on the initial broken trip

Under the new proposed measure, rebates of authorized scallop landings for broken trips within an access area could be combined as long as the total amount does not exceed the scallop possession limit that applies to the permit category and area. Rebates from different access areas would not be combined with each other on a single replacement trip. Rebates of authorized scallop landings could not be taken in a different controlled access area than the one that the broken trip was taken. Replacement trips using the rebated scallop landing authorization would need to be initiated before March 1, 2006, so that the amounts landed count against the correct TAC.

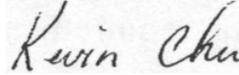
The Northeast Regional Office (NERO) will monitor and log broken trip activity prior to the implementation of Framework Adjustment 17 and will automatically authorize the rebate if Framework 17 is approved.

NOTICE REGARDING POSSESSION OF MONKFISH FOR GENERAL CATEGORY SCALLOP VESSELS

Amendment 2 to the Monkfish FMP, implemented on May 1, 2005, allows general category scallop vessels to possess and land up to 50 lb of monkfish tails per day, up to a total of 150 lb tail weight per trip. However, scallop exempted fisheries implemented under the Northeast

Multispecies FMP, including the Gulf of Maine and Southern New England Scallop Dredge Exempted fisheries prohibit the possession and retention of any species other than scallops. Therefore, please note that the possession of monkfish on general category vessels is currently limited to vessels fishing in the Mid Atlantic Exemption Area. Coordinates and maps depicting the exemption areas are available from the Regional Office upon request.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Chu".

for

Patricia A. Kurkul
Regional Administrator

This Small Entity Compliance Guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996

Daily Catch Reporting: Framework 16 required that all general category scallop vessels participating in Area Access program within Closed Area 1 (CAI), Closed Area 2, (CA II), and Nantucket Lightship Closed Area (NLCA) when open, report their catches (including discards) of certain regulated species through their VMS on a daily basis. These reports must be submitted in 24-hr intervals for each day beginning at 0000 hours and ending at 2400 hours. The **reports must be submitted by 0900 hours of the following day.**

The following are the reporting requirements for all closed area access trips:

- Total pounds of yellowtail flounder caught and discarded
- Total pounds of scallop meats on board
- Observer report in lbs of scallop and yellowtail kept and discards.

Note: If no observer on board it is not necessary to report observer information

To submit daily catch reports, follow these steps:

- Create a new message using the Boatracs VMS unit by hitting the "create message"Program catch screen appears;
- Enter the pounds caught and pounds discarded in the appropriate fields for each species;
- Press "enter" to move to other fields; and
- When finished, press the "send" button.

It is estimated that declaring into the appropriate close access area will take approximately five minutes to complete, including the time to read the instructions and menu options, for each submission. Daily reporting of catch **and** discards is estimated to take approximately 15 minutes, including the time to read the instructions and menu options.

This information is required to track and enforce possession and landings regulations, and to monitor the catch and discard rates for regulated species in these programs. It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information.